

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 14 2004 *pm*

MICHAEL L. WILLIAMS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

LONG, TEDDY ELBERT
aka LONG, TED, dba COUNT TECH
INVENTORY.
SSN: 445-72-2802
LONG, MARY LOU
SSN: 448-52-8228

Debtors.

CARMINE FUNDING CORPORATION,
an Oklahoma corporation,

Plaintiff.

vs.

TED LONG and MARY LOU LONG,
dba COUNT TECH INVENTORY

Defendants.

Case No. 03-02779-R

Chapter 7

Adversary No. 03-0151-R

AGREED JUDGMENT

NOW on the 14 day of January, 200th, this matter comes before the Court on the Complaint for Damages and Objection to Discharge. Plaintiff, Carmine Funding Corporation ("Carmine"), appears by and through his attorney of record, and Defendants, Ted Long and Mary Lou Long (the "Longs"), dba Count Tech Inventory appear not, but have heretofore agreed to the contents of this Order.

The Court, after reviewing the pleadings, hearing the testimony and statement of counsel, and by agreement of the parties, and being fully advised in the premises, **FINDS AS FOLLOWS:**

1. This Court has jurisdiction under 11 U.S.C.A. § 523 and 1141(d)(2) and 28 U.S.C.A. §§ 1334 and 157. This adversary proceeding is a core proceeding, under 28 U.S.C.A. § 157(b)(2)(J), arising under Title 11 U.S.C.A. and arising in the above referenced case under Chapter 7 of the

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Bankruptcy Code, now pending in this Court.


2. The Plaintiff is a creditor in this case.
3. The Debtors, Ted Long and Mary Lou Long , doing business as Count Tech Inventory entered into a Master Accounts Receivable Agreement (the "Agreement") on February 26, 1999, whereby Carmine agreed to purchase certain accounts receivable from the Longs.
4. Of the accounts receivable purchased by Carmine pursuant to the Agreement, certain accounts receivable with a value of over \$49,016.82 were not paid.
5. The Longs knew the accounts receivable would be uncollectible due to the fact that the accounts receivable did not exist.
6. Pursuant to the Agreement, the Longs were obligated to make Carmine whole from the failure of the account debtors to pay the account balances.
7. The Longs defaulted under the terms of the Agreement and owe Carmine \$49,016.82, post- judgment interest, costs of collection and attorney's fees pursuant to the terms of the Agreement .
8. By the conduct identified herein, the Longs have breached the terms of the Agreement with Plaintiff.
9. The Longs' breach of the Agreement has caused actual damage to Carmine.
10. Carmine relied on the representations of the Longs in purchasing the accounts receivable at issue.
11. The Longs willfully and knowingly misrepresented the ownership of assets they sold Carmine as certain of those assets did not exist.
12. Carmine has suffered actual damage as a result of the fraudulent misrepresentations of the Longs.

13. Pursuant to 11 U.S.C. § 523, Defendant the Longs are not entitled to a discharge of the indebtedness to Carmine as they fraudulently obtained monies from Carmine.

IT IS THEREFORE ORDERED by the Court that Plaintiff, Carmine Funding Corporation, be and hereby is granted a judgment on its claims of breach of contract and fraud against the Defendants, Ted Long and Mary Lou Long individually and d/b/a Count Tech Inventory in the principal amount of \$49,016.82, with interest on said amount from the date of this judgment until paid in full at the statutory rate. Each party shall bear their own attorneys' fees and costs.


IT IS FURTHER ORDERED by the Court that pursuant to 11 U.S.C. § 523, Defendant, The Longs are not entitled to a discharge of the \$49,016.82 indebtedness to Carmine and that such indebtedness to Carmine shall not be discharged through this proceeding and that Carmine shall be granted relief from to the automatic stay with regard to the collection of its indebtedness.

For all of which let execution issue.




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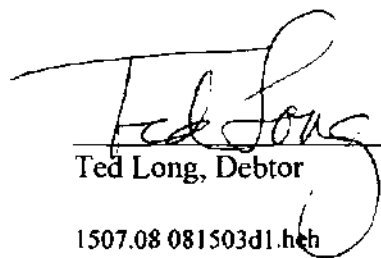


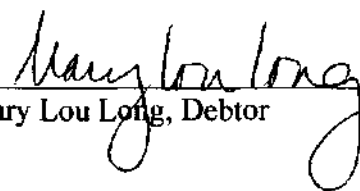
Judge Rasure
United States Bankruptcy Court
Northern District of Oklahoma



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